

# **SB 464**

**Report Title:**

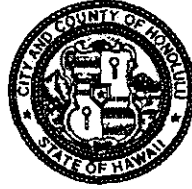
RELATING TO LIQUOR COMMISSIONS

**Measure Title:**

Requires county liquor commission to adopt or amend rules  
by July 1, 2014,  
regarding conduct of patrons and to define the term  
"dancing".

LIQUOR COMMISSION  
**CITY AND COUNTY OF HONOLULU**  
711 KAPIOLANI BOULEVARD, SUITE 600 • HONOLULU, HAWAII 96813-5249  
PHONE: (808) 768-7300 or (808) 768-7355 • FAX: (808) 768-7311  
E-mail address: liquor@honolulu.gov • INTERNET: www.honolulu.gov/liq

KIRK CALDWELL  
MAYOR



February 4, 2013

Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Committee on Public Safety, Intergovernmental and Military Affairs

**Hearing:** Tuesday, February 5, 2013  
2:45 p.m.; Room 224

**Position:** Opposing SB 464 Relating to Liquor Commissions

The Liquor Commission, City and County of Honolulu ("Commission"), joins the County of Maui's **opposition of SB 464**.

The Commission also adds that the proposed amendment as it stands is vague and ambiguous to the type of conduct it seems to prohibit.

Thank you for the opportunity to testify on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg I. Nishioka".

Greg I. Nishioka, Administrator  
Liquor Commission

MICHAEL S. YAMAGUCHI  
CHAIRMAN

IRIS R. OKAWA  
VICE CHAIR

WESLEY F. FONG  
COMMISSIONER

JOSEPH V. O'DONNELL  
COMMISSIONER

JOSEPH M. MAGALDI, JR.  
COMMISSIONER

GREG I. NISHIOKA  
ADMINISTRATOR

ANNA C. HIRAI  
ASST. ADMINISTRATOR

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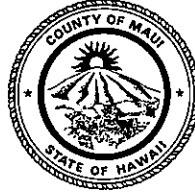
**SB464**

Submitted on: 2/1/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Traci Villarosa	County of Maui, Department of Liquor Control	Oppose	No

ALAN M. ARAKAWA  
MAYOR



FRANKLYN L. SILVA  
DIRECTOR

TRACI FUJITA VILLAROSA  
DEPUTY DIRECTOR

DEPARTMENT OF LIQUOR CONTROL  
C O U N T Y O F M A U I

2145 KAOHU STREET, ROOM 105 • WAILUKU, MAUI, HAWAII 96793  
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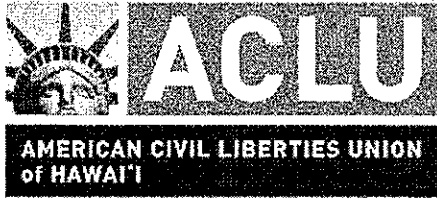
February 1, 2013

To: Senator Will Espero, Chair  
Committee on Public Safety, Intergovernmental and Military Affairs

The County of Maui, Department of Liquor of Control opposes SB464.

Dancing regulations are unnecessary because we have not cited any liquor licensees for any dancing-related violations.

However, if such regulations are somehow deemed necessary, they should be set forth in Hawaii Revised Statutes, Chapter 281. This would ensure uniformity throughout the state.



Committee: Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing Date/Time: Tuesday, February 5, 2013, 2:45 p.m.  
Place: Room 224  
Re: Testimony of the ACLU of Hawaii in Support of S.B. 464, Relating to Liquor Commissions

Dear Chair Espero and Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 464, Relating to Liquor Commissions, which would require county liquor commissions to adopt or amend rules by July 1, 2014 regarding conduct of patrons and to define the term "dancing."

The ACLU of Hawaii has received a number of complaints about Maui's "Footloose" rule, Rule 08-101-23, which, among other things, prohibits dancing in bars and restaurants that serve alcohol, except on a designated dance floor. Patrons are not allowed to "dance" anywhere else in the bar or restaurant without bringing heavy fines on the bar/restaurant owner. The rule fails to define dancing and, as such, leaves small business owners and patrons without any notice as to what movements would be considered "dancing."

The complaints allege that Liquor Control officers are overzealous in their enforcement of these rules and that the Liquor Control Commission has been unresponsive and outright hostile to complaints. S.B. 464 may help to resolve that conflict by requiring the Liquor Control Commissions to ensure that its rules protect the constitutional rights of our residents and visitors. We urge you to support S.B. 464.

Thank you for this opportunity to testify.

Sincerely,  
Laurie A. Temple  
Staff Attorney and Legislative Program Director

*The American Civil Liberties Union of Hawaii ("ACLU") has been the state's guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and*

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Chairs Espero and Members of the Committee on  
Public Safety, Intergovernmental and Military Affairs  
February 4, 2013  
Page 2 of 2

*assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.*

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
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[www.acluhawaii.org](http://www.acluhawaii.org)

**SB464**

Submitted on: 1/31/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
john lyons	Individual	Support	No

Comments: Its just dancing, gosh...and its fun...much better than so many other things!!

**SB464**

Submitted on: 1/31/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Takiya Covington Smith	Individual	Support	No

Comments: I love to dance! It is something that my ancestors have done in celebration of many things including life and even to bring rains. No none should be aloud to say where I can or cannot express myself in and through movement of my soul <3 We aren't out to hurt anybody, we just want to dance!



**SB464**

Submitted on: 1/31/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cambria Moss	Individual	Support	No

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 2:35 PM  
**To:** PSMTestimony  
**Cc:** simmons8937@yahoo.com  
**Subject:** Submitted testimony for SB464 on Feb 5, 2013 14:45PM

**SB464**

Submitted on: 1/31/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Simmons	Individual	Support	No

Comments: Can you please finally get to this item? Hawai'i is known to the world for its culture and dances such as hula. Why would you want to continue an archaic law limiting the joy of dance?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**SB464**

Submitted on: 2/1/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Swacina	Individual	Support	No

**SB464**

Submitted on: 2/3/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Elisse	Individual	Support	No

Comments: Freedom of expression should include bodily expressions of emotions.

**SB464**

Submitted on: 2/3/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Veronica	Individual	Support	No

Comments: Dancing is not a crime.

**SB464**

Submitted on: 2/3/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Jones	Individual	Comments Only	No

Comments: I am in support of changing the law to make dancing legal in establishments that sell alcohol. Dancing is not a crime.